

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Jason D. Warner,

Petitioner,

v.

Warden Kim Henderson,

Respondent.

Case No. 3:22-cv-01345

Judge James G. Carr  
Magistrate Amanda M. Knapp

**Order**

This is a habeas corpus case filed under 28 U.S.C. § 2254(d). (Doc. 1). Petitioner filed his Petition on July 29, 2022. Concurrently therewith, he filed a Motion for Stay of Execution of Sentence. (Doc. 3). On October 4, 2022, respondent filed an Opposition to petitioner's Motion. (Doc. 6). On October 18, 2022, petitioner filed a Reply. (Doc. 8).

On November 14, 2022, the Magistrate Judge filed her Report and Recommendation (Doc. 10), in which she recommended that I deny the Motion to Stay. The petitioner had until Nov. 28, 2022 to file objections to the Report.

No objection has been filed. That being so, leads me to adopt the Magistrate Judge's Report and Recommendation. I have, nonetheless, also conducted a *de novo* review of the Report and Recommendation, which included, *inter alia*, review of the Motion for Stay, the Opposition, the Reply, the Petition, the Return of Writ, the Traverse, and the Third District Court of Appeals opinion. That review persuades me that denial of the Motion to Stay is entirely appropriate.

In light of the foregoing, it is hereby **ORDERED THAT:**

1. The Magistrate Judge's Report and Recommendation (Doc. 10) be, and the same hereby is, **adopted**;

2. The Petitioner's Motion for Stay of Execution of Sentence (Doc. 3) be, and the same is hereby, **denied**; and
3. The Petitioner's Petition for Habeas Corpus be, and the same hereby is, referred back to the Magistrate Judge for further proceedings.

So ordered.

James G. Carr  
Sr. U.S. District Judge